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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 GIOVANNI KURTZE,

Case No. 2:17-cv-02886-JCM-CWH

10 Plaintiff,

ORDER

11 v.

12 JOSEPH LOMBARDO, *et al.*,

13 Defendants.
14

15 **I. DISCUSSION**

16 Plaintiff, a pro se prisoner, previously filed an application to proceed *in forma*
17 *pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No.
18 1, 1-1.) The Court has not yet screened the complaint.

19 Plaintiff now files a motion for voluntary dismissal. (ECF No. 6.) Pursuant to
20 Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court
21 order by filing “a notice of dismissal before the opposing party serves either an answer or
22 a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants
23 Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has
24 been filed in this case. Therefore, the Court dismisses this action without prejudice.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the motion for voluntary dismissal
27 (ECF No. 6) is granted.
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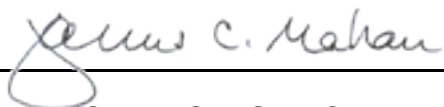
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IT IS FURTHER ORDERED that this action is dismissed in its entirety without prejudice.

IT IS FURTHER ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

DATED September 21, 2018.


UNITED STATES DISTRICT JUDGE